

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION - Detroit

IN RE: Craig Funk  
Kimberly Funk  
DEBTOR(S).

CHAPTER 13 CASE No. 09-52243  
HON. Thomas J. Tucker

STIPULATION FOR ENTRY OF ORDER MODIFYING/VACATING STAY(S) / PLAN AND TO ALLOW SUPPLEMENTAL CLAIM

AS TO CREDITOR

Wells, Inc., as nominee for lender and lender's successors  
and/or assigns with PTH Mortgage Corporation as servicer for  
NOW COMES THE ABOVE NAMED CREDITOR, by and through its attorneys, Trott & Trott, PC, having filed a(n) ☐ Motion For Relief from the  
Automatic and Co-Debtor Stay ☐ Objection to Motion To Extend/Impose ☐ Objection to Confirmation last 4 loan # (0806)  
with respect to property located at 8032 Maple Dale Dr, Ypsilanti, MI 48197-6212  
and the parties having reached a resolution to modify/vacates all stay(s) and/or Plan and agree to the entry of an order as follows:

- ☐ **DEBTOR(S) TO REMIT/CURE** ☐ Directly ☐ to the Trustee in addition to the regularly required payments or Creditor may immediately submit a Notice of Default and Order ☐ Vacating the Automatic and Co-Debtor Stay ☐ Dismissing case ☐ with 180-day bar to refile, no further notice, hearing or motion being required:
- ☐ All delinquencies and be 100% on Trustee/Creditor records on or before \_\_\_\_\_ and/or by  
☐ Lump sum in the amount of \_\_\_\_\_ (check #(s) \_\_\_\_\_) to post on said records by \_\_\_\_\_ and/or  
☐ Delinquency of \_\_\_\_\_ in equal installments of \$ \_\_\_\_\_ commencing \_\_\_\_\_ and continuing thereafter until the default is cured while maintaining all subsequently required payments.
- ☐ **FUTURE DEFAULT PROVISION(S):** Effective \_\_\_\_\_, if the Debtor(s) fail(s) to comply with the stipulation terms, including attorney fees as agreed, Creditor may file and serve a Notice of Default on Debtor(s), Debtor(s) counsel, and Trustee. If the Default is not cured\*, Creditor may submit an order as follows, no further notice, hearing or motion being required: ☐ Vacating the Automatic Stay ☐ Dismissing case ☐ Dismissing case with 180-day bar to refile ☐ In rem relief pursuant to 11 U.S.C. §362(d)(4)  
☐ Failure to maintain required plan or direct payments while curing any default. The cure period is \_\_\_\_\_ days.\*\*  
☐ Failure to maintain property taxes as they come due. The cure period for taxes is \_\_\_\_\_ days.\*\*  
☐ Failure to provide Creditor with valid proof of homeowners insurance as required by the mortgage contract with Creditor; Debtor(s) shall provide proof of insurance with Creditor named as loss payee by \_\_\_\_\_ or Creditor may file an Notice of Default and Order Vacating Stay to the Court. In the event proof of insurance is provided timely, the cure period for insurance is \_\_\_\_\_ days.\*\*

\*Debtors are limited to 2 opportunities to cure defaults. Should a third default occur, Creditor may submit the order of relief with the notice. Creditor's fees and costs associated with any defaults are recoverable and may be included in the amount to cure.

\*\* Pursuant to the underlying contract, Creditor may file a supplemental or amend its claim to recoup any and all advances made.

- ☐ **ATTORNEY FEES AND COSTS IN THE AMOUNT OF \$ \_\_\_\_\_ TO BE REIMBURSED AS FOLLOWS:**  
☐ Creditor to file a supplemental proof of claim to be paid via the Trustee pursuant to this stipulation.  
☐ to be paid directly by Debtor(s) to Creditor ☐ by \_\_\_\_\_ / ☐ over \_\_\_\_\_ consecutive months commencing on \_\_\_\_\_ at \$ \_\_\_\_\_ per month.  
☐ included within the above stated delinquency amount as required to be cured by the Debtor.

- ☒ **THE AUTOMATIC AND CO-DEBTOR STAY IS HEREBY VACATED.**  
☐ Opposition to the entry of the Order submitted with Creditor's Motion For Relief is hereby withdrawn.  
☐ **OTHER PROVISIONS:** \_\_\_\_\_

The Order vacating stay as entered by the Court pursuant to this resolution includes a waiver of the provisions of FRBP 4001(a)(3) and is binding and effective despite any conversion of this bankruptcy to a case under any other chapter of Title 11 of the United States Bankruptcy Code. In the event Creditor deems the property is physically abandoned or by consent of the parties, Creditor may seek to shorten the statutory redemption period. Creditor and/or its servicer, successors or assigns may at its option offer, provide and enter into a potential forbearance agreement, loan modification or other workout/loss mitigation agreement and Creditor may contact the Debtor via telephone or written correspondence to offer such an agreement.

Approved as to form:  
By: Lisa Evans (P 091039) By: Guy Conti (P 69889) By: \_\_\_\_\_ (P \_\_\_\_\_)

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